

# Court of Appeals, State of Michigan

## ORDER

People of Michigan v Dani Ray Malm

Docket No. 354835

LC No. 12-001770-FC

Michael J. Kelly  
Presiding Judge

Amy Ronayne Krause

Brock A. Swartzle  
Judges

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Pursuant to MCR 7.205(E)(2) and in lieu of granting leave to appeal, this case is REMANDED IN PART to the circuit court. On remand, the circuit court shall address, either in writing or on the record, defendant's assertion that the circuit court failed to comply with our Supreme Court's 2015 remand order as issued in *People v Malm*, 498 Mich 901; 870 NW2d 705 (2015). The circuit court may also enter any other orders as the case may require, including appointment of counsel for defendant and ordering the prosecutor to file briefs.

In all other respects, defendant's application for leave to appeal is DISMISSED because defendant has failed to demonstrate the entitlement to an application of any of the exceptions to the general rule that a movant may not appeal the denial of a successive motion for relief from judgment. MCR 6.502(G).

The motion to waive fees is GRANTED for this case only.

We do not retain jurisdiction.

\_\_\_\_\_  
Presiding Judge



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

January 19, 2021  
Date

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Jerome W. Zimmer Jr.  
Chief Clerk